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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,071	07/10/2003	Dave Buzzetti	10035-001	3787

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EXAMINER

SWINEHART, EDWIN L

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,071

Applicant(s)

BUZZETTI, DAVE

Examiner

Ed Swinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-13 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claim 11 is objected to, as "the means for adjusting the length of the torso section" finds no clear basis in the previous claims. In the action which follows, it will be assumed that in this instance, "torso" is "sleeve", as was set forth in the previous claim. Correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9,18,19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruelle et al.

Ruelle et al. discloses the claimed invention, including an opening at the neck, a closable torso opening, and being closed at the bottom thereof as well as the end of the sleeves. A floatation device **34** is provided as well.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10,11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruelle et al. in view of Dobbs.

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Ruelle et al. fails to disclose sleeve adjustment means as claimed.

Dobbs teaches provision of adjustable length for a sleeve, comprising straps and buckles.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an adjustment means to the garment of Ruelle et al. as taught by Dobbs.

Such a combination would have been desirable at the time the invention was made so as to provide for fitment to various size individuals.

6. Claims 9,12,13,19,21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell in view of Lyman.

Blackwell discloses the field of the invention, including closed sleeves and lower torso, a hood, a neck opening and a floatation device. Provision for torso length adjustment is also provided in the form of straps and buckles. Blackwell fails to disclose an opening other than the neck opening.

Lyman teaches a survival suit having a torso opening K permitting entry.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means of ingress/egress to Blackwell as taught by Lyman.

Such a combination would have been desirable at the time the invention was made so as to provide ease in donning of the suit.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruelle et al. in view of Lastnik.

Ruelle et al. fails to disclose the notoriously old and well known inflation by CO2 cartridge.

Lastnik teaches a survival suite inflated as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to supplement the oral inflation tube of Ruelle et al. with a CO2 cartridge as taught by Lastnik.

Such a combination would have been desirable at the time the invention was made so as to provide a means permitting automatic inflation when needed.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruelle et al. in view of Taylor.

Ruelle et al. fails to disclose a hood formed as a separate element.

Taylor discloses a survival suit with hood formed as a separate member attached via tether.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a hood formed as a separate member attached via a tether as taught by Taylor.

Such a combination would have been desirable at the time the invention was made so as to provide for a means to aid in being rescued, due to provision of the illustrated indicators.

9. Claims 1-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell in view of Dobbs.

Blackwell is discussed above, and Dobbs is applied as above.

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10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell in view of Dobbs, as applied against claim 1 above, and further in view of Taylor.

Taylor is applied as above.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell in view of Dobbs as applied to claim 1 above, and further in view of Lastnik.

Lastnik is applied as above.


12. Claims 4,5,14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 703-308-2566. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ed Swinehart
Primary Examiner
Art Unit 3617
